

The Georgia State Board of Physical Therapy met on **August 1, 2006** at the Offices of the Professional Licensing Boards Division, 237 Coliseum Dr., Macon, GA for the purpose of conducting business.

Members Present:

- Charlene D. Portee, P. T., President
- Lola Rosenbaum, P.T., Vice President
- John L. Cowherd, Consumer Member
- Andy Ellis, P.T.
- George “Bo” Hamil, P.T.
- Donald Walsh, P.T.
- Patricia Willis, P.T. (arrived at 9:50am)

Others Present:

- Anita O. Martin, Executive Director
- Tricia Downing, Board Attorney (arrived @ 9:45am)
- Eva Holmes, Board Secretary

President Charlene D. Portee established that a quorum was present, and called the meeting to order in Open Session at 9:15am.

AGENDA

Considered for approval minutes from May 23, 2006

- Mr. Hamil motioned, Ms. Rosenbaum seconded and the board voted to **approve** the minutes as amended.

Considered for approval of June 15, 2006 conference call minutes.

- Ms. Rosenbaum motioned, Mr. Walsh seconded and the Board voted to **approve** the minutes.

Correspondence from GCA re: utilization of the term “physiotherapy” in the context of chiropractic practice.

- Board response: Notify GCA that the board respectively disagrees with the GCA’s stance on this issue. Also state that the term “physiotherapy” is not referenced in O.C.G.A. Cite the definitions from Webster’s and Dorlan’s Medical Dictionary. The Board is concerned that the term may be misleading to the public. Cite O.C.G.A. 43-33-11 and also provide that the international connotation of physical therapy and physiotherapy are synonymous. Also provide language from the ATPA Model Practice Act.

Develop policy of accredited schools.

- Board response: Viewed as informational.

Correspondence from Larry Goldstein re: PT in physician office.

- Board response: Send Mr. Goldstein the no legal letter and refer to laws and rules for supervision of PTA’s. Also send a copy of Aaron’s memo.

Based on HB801 – consider changes to Board rule 490-4-.03 – Disciplinary Sanctions.

- Board response: Ms. Rosenbaum motioned, Mr. Hamil seconded and the Board voted to move 490-4-.03 (1) to 490-6-.01; move 490-4-.03 (3) to make a new rule 490-9-.04 titled Disciplinary Sanctions; move 490-4-.03 (2) to make a new rule 490-11-.01 titled Consultation; change title of Chapter 490-4 to remove Disciplinary Sanctions and reserve 490-4-.03.

Consider revision of Board rule 490-4-.02: Continuing Competency Requirements.

- Board response: Ms. Willis motioned, Mr. Walsh seconded and the Board voted to post the board rule.

490-4-.02 Continuing Competence Requirements. Amended.

(1) The Georgia State Board of Physical Therapy requires each licensed physical therapist and physical therapist assistant to participate in a minimum number of thirty (30) clock hours of experience to promote continuing competence per licensure period. ~~The minimum number of hours is: 40 clock hours required effective January 2002.~~ The Board has defined the requirements for competence competency as planned learning experiences which has content beyond ~~minimal educational requirements for physical therapists and physical therapist assistants~~ the licensees' present level of knowledge and competence which may be subject to audit by the board. Content of the experience must relate to patient care in physical therapy whether the subject is research, treatment, documentation, education, management, or some other content area. The purpose of this requirement is to assist in assuring safe and effective practices in the provision of physical therapy services to the citizens of Georgia. In the event that a licensee does not meet this requirement, the license will not be renewed.

(a) Continuing competence requirements may be met through the mechanisms identified

in the categories, Class I and Class II.

(b) ~~The forty (40)-thirty (30)~~ hours of continuing competence requirements per biennium include a minimum of four (4) contact hours specifically in ethics and jurisprudence as defined in the Georgia Physical Therapy Act or by passage of the Georgia Jurisprudence

Examination. Passage of the examination is equivalent to the four (4) hour requirement.

(c) The total hours required biennially for continuing competence may be distributed between Class I and Class II activities. ~~beginning January 2000. Until January 2000, all~~

~~hours must be obtained through Class I activities. Effective January 2000 and January 2002, a~~ A maximum of 10 hours may be obtained through Class II activities. All required hours may be met through Class I activities. Competency credit is the clock hours spent in an activity except as noted below. Any Class I activity without a stated maximum number of hours may be used to accrue all required hours.

(d) A maximum of ten (10) continuing competency credit hours will be accepted per calendar day.

~~(2) Class I and Class II acceptable continuing competence evidence shall be: credit may be awarded to programs approved by the board by policy.~~

~~(a) Peer review of practice with verification of acceptable practice by a recognized entity continuing competence credit is 30 hours per review;~~

~~(b) Courses, seminars, workshops, and symposia attended by the licensee which have~~

~~been approved for continuing education units (CEUs) by appropriate CEU agencies;~~

~~(c) Courses, seminars, workshops, and symposia attended by the licensee and approved~~

~~by the recognized health-related organizations. Colleges and universities are considered~~

~~health-related organizations;~~

~~(d) Home study courses or courses offered through electronic media that include objectives and verification of satisfactory completion of the course;~~

~~(e) University credit courses; Continuing competence credit is 12 hours per semester credit hour;~~

~~(f) Participation as a presenter, through a peer review process, in continuing education~~

~~courses, workshops, seminars or symposia which have been approved by the~~

~~approved list above; Continuing competence credit is based on contact hours and may not exceed 20 hours per topic;~~

~~(g) Authorship of a presented scientific poster, scientific platform presentation or published article undergoing peer review; Continuing competence credit is 10 hours per event and may not exceed 30 hours;~~

~~(h) Teaching a physical therapy or physical therapist assistant credit course when that~~

~~teaching is an adjunct responsibility and not the primary employment; Continuing competence credit is based on contact hours not to exceed 30 hours;~~

~~(i) Certification of clinical specialization by the America Board of Physical Therapy Specialties. Continuing competence credit is 30 hours and is recognized only in the biennium in which certification or recertification is awarded.~~

~~(3) Class II acceptable continuing competence evidence shall be:~~

~~(a) Self-instruction from reading professional literature; Continuing competence credit is~~

~~limited to a maximum of one (1) hour;~~

~~(b) Attendance at a scientific poster session, lecture, panel, symposium or university course that does not meet the criteria for Class I; Continuing competency credit is one~~

~~hour per hour of activity;~~

~~(c) Acting as a clinical education instructor for an accredited physical therapist or physical therapist assistant educational program; Continuing competence credit is one (1)~~

~~hour per eight (8) contact hours;~~

~~(d) Acting as a clinical instructor or an intern for a formal, nonacademic, advanced clinical internship or as a mentor or a learner for a formal, nonacademic mentorship;~~

~~Continuing competence credit is one (1) hour per eight (8) contact hours.~~

(3) Unacceptable activities for continuing competence include, but are not limited to:

(a) Orientation and in-service programs;

(b) Meetings for purposes of policy decisions;
(c) Non-educational meeting at annual association, chapter or organization meetings;
(d) Entertainment or recreational meeting or activities;
(e) Committee meetings, holdings of offices, serving as a organization delegate;
(f) Visiting exhibits;
(g) CPR.

~~(4) Unacceptable activities for continuing competence include, but are not limited to:~~
~~(a) Orientation and in-service programs;~~
~~(b) Meetings for purposes of policy decisions;~~
~~(c) Non-educational meeting at annual association, chapter or organization meetings;~~
~~(d) Entertainment or recreational meeting or activities;~~
~~(e) Committee meetings, holdings of offices, serving as a organization delegate;~~
~~(f) Visiting exhibits;~~

(4) Continuing competence requirements shall apply within the first biennium that a physical therapist/physical therapist assistant is licensed in Georgia. However, licensees who have graduated during the current renewal biennium and who have passed the National Physical Therapy Examination are exempt from the continuing competency requirement during the biennium in which they have graduated and successfully passed the exam.

~~(5) Applicants approved for initial licensure by examination are not required to accrue continuing competence hours for the biennium in which initial licensure occurred. Individuals licensed during the last six (6) months of a biennium renewal period will not be required to meet continuing competency requirements for that biennium.~~

(6) Individuals who have been reinstated within the last six (6) months of a biennium renewal period may use the continuing competency coursework used for reinstatement, thereby making them exempt from the requirement for that biennium renewal period.

~~(6) Procedure for verifying with the Board that the continuing competence requirements have been met:~~
~~(a) Maintain a signed peer review report or an official program or outline of the course attended or taught or copy of the publication which clearly shows that the objectives and content were related to patient care in physical therapy and shows the number of contact hours, as appropriate. The information also should clearly identify the licensee's responsibility in teaching or authorship. These records should be maintained in the licensee's personal files for no less than three (3) years from the beginning date of the licensure period through the even numbered year after the license is renewed.~~
~~(b) Maintain a CEU certificate or verification of completion of home study which identifies the sponsoring entity that can be contacted during an audit, or maintain a copy of the final grade report in the case of a University credit course(s), or specialization~~

~~certificate, or proof of attendance with a copy of the program for the other acceptable~~

~~Class I or II activities, or documentation of self-instruction or reading professional literature. These records should be maintained by the licensee for no less than three (3)~~

~~years from the beginning date of the licensure period.~~

~~(e) Complete the Verification of Continuing Competence form as instructed and mail to~~

~~the Board office with the renewal card, if audited. The Verification of Continuing Competence form will be mailed to the licensee with the renewal notice, if audited. These records should be maintained in the licensee's personal files for no less than three~~

~~(3) years from the beginning date of the licensure period through the even numbered year~~

~~after the license is renewed.~~

Those licensees selected for audit shall submit the Verification of Continuing Competency form and documentation of compliance upon receipt of notice.

Acceptable documentation shall include:

(a) An official program or outline of the course attended or taught or a copy of the publication which clearly shows that the objectives and content were related to patient care in physical therapy and shows the number of contact hours, as appropriate. The information also should clearly identify the licensee's responsibility in teaching or authorship;

(b) A CEU certificate or verification of completion of home study which identifies the sponsoring entity or maintain a copy of the final grade report in the case of a University credit course(s), or specialization certificate, or proof of attendance with a copy of the program for the other acceptable activities, or documentation of self-instruction or reading professional literature.

(c) Verification of a peer review of practice with verification of acceptable practice by a recognized entity. An example of a recognized entity is the American Physical Therapy Association Board Policy G03-05-15-40.

(7) Responsibilities of Licensee:

(a) To maintain the documents identified in number (6) above for no less than three (3) years from the beginning date of the licensure period. These records should be maintained in the licensee's personal files for no less than three (3) years from the beginning date of the licensure period through the even numbered year after the license is renewed.— To maintain the required continuing competency credit documents in his or her personal files for no less than three (3) years from the applicable renewal period.

(b) To submit a properly completed and notarized "Verification of Competence Education" form to the Georgia State Board of Physical Therapy, if audited. To complete all steps necessary to meet the renewal requirements on or before the December 31st renewal deadline.

(c) To complete all steps necessary to meet the relicensure requirements on or before October 31st of the odd numbered years.— To provide the Board with information requested during an audit.

(d) To provide the Board with information requested during an audit.— To keep a current mailing address on file with the Licensing Board Office at all times.

~~(e) To keep a current mailing address on file with the Licensing Board Office at all times. Each licensee must assume full responsibility for meeting the renewal requirements according to these rules. In the event that a licensee does not meet these requirements, the license will not be renewed.~~

~~(8) Responsibilities of the Board:~~

~~(a) To maintain the licensure status of all licensees.~~

~~(b) To perform audits of licensees' personal records which support information given on the "Verification of Continuing Competence" form submitted to the Board by the licensees.~~

~~(c) To mail "Verification of Continuing Competence" forms to licensees prior to October~~

~~31st, of odd numbered years, if audited. The Board may perform periodic audits for the purpose of assuring the public of its protection.~~

~~(9) Each licensee must assume full responsibility for meeting the relicensure requirements~~

~~according to these rules. In the event that a licensee does not meet these requirements, the license will not be renewed.~~

~~(10) The Board will perform periodic audits for the purpose of assuring the public of its protection.~~

Georgia State Board of Physical Therapy Continuing Competence Policy

The Georgia State Board of Physical Therapy requires each licensed physical therapist and physical therapist assistant to participate in a minimum number of thirty (30) clock hours of experience to promote continuing competence per licensure period. **The Board has defined the requirements for competency as planned learning experiences which has content beyond the licensees present level of knowledge and competence which may be subject to audit by the board.** Content of the experience must relate to patient care in physical therapy whether the subject is research, treatment, documentation, education, management, or some other content area. The purpose of this requirement is to assist in assuring safe and effective practices in the provision of physical therapy services to the citizens of Georgia. In the event that a licensee does not meet this requirement, the license will not be renewed.

The following programs may be considered for Class I approval:

(a) Programs approved by the American Physical Therapy Association and its affiliate components; or

(b) Programs approved by the Physical Therapy Association of Georgia or any other state chapters; or

(c) Programs approved by the Federation of State Boards of Physical Therapy; or

(d) Programs provided at CAPTE-Accredited colleges and universities with programs in physical therapy when the continuing competency course is held under the auspices of the school of physical therapy; or

(e) Programs approved by another state board; or

- (f) Programs provided at JCAHO-accredited healthcare organizations; or
- (g) Programs provided by the American Academy of Orthopedic Surgeons; or
- (h) Programs provided by the National Athletic Trainers Association; or
- (j) Programs provided by the American Dental Association; or
- (k) Programs provided by the American Association of Nurses; or
- (l) Programs provided by the American Occupational Therapy Association; or
- (m) Fifteen (15) hours for undergoing a peer review; or
- (n) Ten (10) hours for conducting a peer review; or
- (o) Participation as a presenter for continuing education courses, workshops, seminars or symposia which have been approved by the approved list above; Continuing competence credit is based on contact hours and may not exceed 10 hours per topic;
- (p) Authorship of a presented scientific poster, scientific platform presentation or published article; Continuing competence credit is 10 hours per event and may not exceed 20 hours;
- (q) Teaching a physical therapist or physical therapist assistant credit course when that teaching is an adjunct responsibility and not the primary employment; Continuing competence credit is based on contact hours not to exceed 20 hours;
- (r) Certification of clinical specialization by the American Board of Physical Therapy Specialties. Continuing competence credit is 30 hours and is recognized only in the biennium in which certification or recertification is awarded.

The following programs may be considered for Class II approval (limited to 10 hours):

- (a) Self- instruction from reading professional literature; Continuing competence credit is limited to a maximum of five (5) hours; or
- (b) Attendance at a scientific poster session, lecture, panel, symposium or university course that does not meet the criteria for Class I; Continuing competency credit is one hour per contact hour of activity; or
- (c) Acting as a clinical education instructor for an accredited physical therapist or physical therapist assistant educational program; Continuing competence credit is one (1) hour per eight (8) contact hours; or
- (d) Acting as a clinical instructor or an intern for a formal, nonacademic, advanced clinical internship or as a mentor or a learner for a formal, nonacademic mentorship.

The Board voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as provided by the Attorney General's office.

The board also voted that it is not legal or feasible to meet the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. §50-13-4(3)(A)(B)(C)(D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of Physical Therapy.

Draft board rule 490-9-.02: Principles of Conduct for licensed PT's

- Board response: Refer to the Attorney General's office for review and advise the board on changes that need to be made to assure that the rule is in compliance with the law.

Ratified list of newly licensed PT's and PTA's.

- Board response: Ms. Rosenbaum motioned, Mr. Cowherd seconded and the Board voted to approve.

Correspondence from Stephanie Rehm, PT re: questions regarding PT and PTA students.

- Board response: Send Ms. Rehm the no legal letter and refer to laws and rules relating to supervision.

Questions regarding documentation for foreign educated applicants.

- Board response: Contact the FCCPT and the ICA to inquire about how they prove the authenticity of the documents they receive. Are official documents provided to their agency directly from the schools? Is it OK to accept copies of the documents from the credentialing company if they receive official copies of the documents.

Comments from Sandy Eskew-Capps regarding revision of Board Rules:

- Board response: Mr. Ellis motioned, Mr. Hamil seconded and the Board voted to refer Executive Director to revise the following board rules:
 - 490-2-.03 Licensure: Foreign-Educated Applicants
 - 490-2-.09 Licensure: Endorsement
 - 490-4-.01 Renewal and Reinstatement of License and Penalties

Karen Longo, PT – Petition for waiver of 490-4-.02 Continuing Competency requirements.

- Board response: Mr. Cowherd motioned, Ms. Willis seconded and the Board voted to deny the petition.

Tonia Godoy, PT – Petition for waiver of 490-4-.01 (5) Continuing Competency requirements.

- Board response: Ms. Rosenbaum motioned, Ms. Willis seconded and the Board voted to deny the petition.

Mr. Cowherd made a motion and Ms. Willis seconded and the Board voted to enter into **Executive Session** in accordance with O.C.G.A §43-1-19(h)(2) and §43-1-2(k) to deliberate on applications and enforcement matters and to receive information on applications, investigative reports, and the Assistant Attorney General's report. Voting in favor of the motion were those present who included Ms. Rosenbaum, Mr. Ellis, Mr. Hamil and Mr. Walsh. The Board concluded **Executive Session** in order to vote on these matters and continue with the public session.

Executive Session

M.G.S. – PT Endorsement Applicant

- Mr. Hamil motioned, Mr. Ellis seconded and the Board voted that applicant **must** apply for examination and take law exam.

N.P.B. – PT applicant by exam answered yes to the arrest/conviction question.

- Mr. Walsh motioned, Mr. Hamil seconded and the Board voted to **approve** upon clean GCIC report.

R.H. – PTA requesting to lift limitations associated with consent order.

- Mr. Cowherd motioned, Ms. Rosenbaum seconded and the Board voted to **approve** the request.

Appointments with the Board

C.C.C. – Denial

- *Board response:* Motion made by Ms. Rosenbaum and seconded by Mr. Hamil to license under a consent order to require a traineeship permit. Those voting in favor of the motion were Ms. Rosenbaum, Mr. Hamil and Mr. Walsh. Those voting in opposition to the motion were Mr. Ellis, Mr. Cowherd, and Ms. Willis – Ms. Portee cast her vote to break the tie. The motion was opposed; therefore the board upholds its previous decision to deny the applicant. The rule waiver request was also denied.

C.O. – Denial

- *Board response:* Ms. Willis motioned, Mr. Ellis seconded and the Board voted to deny. Board recommends that applicant repeat the physical therapist training program.

Lynn Eason, Enforcement

- **No report**

Tricia Downing, Attorney General's Office

- Updated on the following cases in her office:
 - J.S., PT
 - S.K., PTA
 - T.M., PT
 - J.M.M.P., PTA
 - T.F., PTA

Ms. Rosenbaum motioned, Mr. Hamil seconded and the Board voted to deny reinstatement for J.M.M.P., PTA. This case was also referred to enforcement to acquire a sworn statement from the person who terminated her employment.

Anita O. Martin, Executive Director

- Asked for direction as to the location and topics for the November Annual Public Meeting. Was directed to check with several locations in the Atlanta area and to begin developing the agenda to include cognizant information, HB801, Rule Revisions in the last year and the Continuing Competency Rule. The meeting will be scheduled for 12:30p.m.

- Provided information about the change in the administrative support at the PLB.

Mr. Ellis motioned, Mr. Cowherd seconded and the Board voted to **accept** Ms. Martin's report.

Exam Section Update, Wanda Jackson

- No report.

Legal Services Report

- No report

Other Business

- Charlene Portee reviewed the proposed motions for the GSBPT Annual meeting.
- Ms. Portee requested that a review of the credentialing agencies criteria be placed on the next agenda.
- Request from Heather Allen to allow additional time to acquire law exam in compliance with consent order 2006-0240. – Mr. Ellis made a motion to approve, Mr. Cowherd seconded. Ms. Willis, Rosenbaum and Mr. Walsh and Hamil voted in opposition. Vote to oppose carries – request denied.
- Request from E.O. to reconsider application – Notify that application is over one year old – she must reapply to be considered further. Also, notify her that she must have a valid credentials evaluation showing that she has a substantially equivalent degree from her foreign school before the board will consider this matter further. She needs to meet the criteria outlined to her in the letter dated January 18, 2006.
- PT applicant L.S. divulged arrest. Ms. Willis motioned, Mr. Walsh seconded and the Board voted to approve.

There being no further business to come before the Board, the meeting was adjourned at 4:25 P.M.

Minutes prepared by: Eva Holmes

Minutes reviewed by: Anita O. Martin

These minutes were signed and approved on October 31, 2006.